

SENATE BILL No. 169

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14-1.5-5.

Synopsis: Notice of meetings. Requires the governing body of a public agency to give notice of the agency's meetings to any person who makes an annual request for notice. Requires the public agency to charge a \$10 fee for providing notice by mail. Requires notice to be given not less than five business days before a meeting that does not deal with an emergency.

Effective: July 1, 2004.

Mrvan

January 6, 2004, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 169

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-14-1.5-5, AS AMENDED BY P.L.200-2003,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 5. (a) Public notice of the date, time, and place of
4 any meetings, executive sessions, or of any rescheduled or reconvened
5 meeting, shall be given ~~at least forty-eight (48) hours~~ **not less than five**
6 **(5) business days** (excluding Saturdays, Sundays, and legal holidays)
7 before the meeting. This requirement does not apply to reconvened
8 meetings (not including executive sessions) where announcement of
9 the date, time, and place of the reconvened meeting is made at the
10 original meeting and recorded in the memoranda and minutes thereof,
11 and there is no change in the agenda.
12 (b) Public notice shall be given by the governing body of a public
13 agency by:
14 (1) posting a copy of the notice at the principal office of the
15 public agency holding the meeting, or if no such office exists, at
16 the building where the meeting is to be held; and
17 (2) ~~delivering notice to all news media which deliver by January~~

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1 † an annual written request for such notices for the next
 2 succeeding calendar year to the governing body of the public
 3 agency. The governing body shall give notice by one (1) of the
 4 following methods:

5 (A) Depositing the notice in the United States mail with
 6 postage prepaid:

7 (B) Transmitting the notice by electronic mail:

8 (C) Transmitting the notice by facsimile (fax):

9 providing notice to any person who delivers to the governing
 10 body of the public agency an annual written request for the
 11 notices not later than December 31 for the next succeeding
 12 calendar year. The governing body shall provide notice by one
 13 (1) of the following methods, which shall be determined by the
 14 person requesting the notice:

15 (A) United States mail with postage prepaid. The
 16 governing body of the public agency shall charge a
 17 requestor an annual fee of ten dollars (\$10) for providing
 18 by mail the notices of all boards, commissions, and
 19 committees of the public agency.

20 (B) Electronic mail.

21 (C) Facsimile (fax).

22 If a governing body comes into existence after ~~January 1,~~
 23 **December 31**, it shall comply with this subdivision upon receipt
 24 of a written request for notice.

25 (c) In addition to the notice required under subsection (b), a state
 26 agency (as defined in IC 4-13-1-1) shall provide electronic access to
 27 the notice through the computer gateway administered by the intelnet
 28 commission under IC 5-21-2.

29 ~~(c)~~ (d) Notice of regular meetings need be given only once each
 30 year, except that an additional notice shall be given where the date,
 31 time, or place of a regular meeting or meetings is changed. This
 32 subsection does not apply to executive sessions.

33 ~~(d)~~ (e) If a meeting is called to deal with an emergency involving
 34 actual or threatened injury to person or property, or actual or threatened
 35 disruption of the governmental activity under the jurisdiction of the
 36 public agency by any event, then the time requirements of notice under
 37 this section shall not apply, but:

- 38 (1) ~~news media which~~ any persons who have requested notice of
 39 meetings under subsection (b)(2) must be given the same notice
 40 as is given to the members of the governing body; and
 41 (2) the public must be notified by posting a copy of the notice
 42 according to this section.

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1 ~~(e)~~ **(f)** This section shall not apply where notice by publication is
 2 required by statute, ordinance, rule, or regulation.

3 ~~(f)~~ **(g)** This section shall not apply to:

4 (1) the department of local government finance, the Indiana board
 5 of tax review, or any other governing body which meets in
 6 continuous session, except that this section applies to meetings of
 7 these governing bodies which are required by or held pursuant to
 8 statute, ordinance, rule, or regulation; or

9 (2) the executive of a county or the legislative body of a town if
 10 the meetings are held solely to receive information or
 11 recommendations in order to carry out administrative functions,
 12 to carry out administrative functions, or confer with staff
 13 members on matters relating to the internal management of the
 14 unit. "Administrative functions" do not include the awarding of
 15 contracts, the entering into contracts, or any other action creating
 16 an obligation or otherwise binding a county or town.

17 ~~(g)~~ **(h)** This section does not apply to the general assembly.

18 ~~(h)~~ **(i)** Notice has not been given in accordance with this section if
 19 a governing body of a public agency convenes a meeting at a time so
 20 unreasonably departing from the time stated in its public notice that the
 21 public is misled or substantially deprived of the opportunity to attend,
 22 observe, and record the meeting.

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